REMARKS

Claims 41-45 are of record in this application. No claims have been amended, added or canceled.

Rejection Under 35 U.S.C. 102(a)

Claim 41 has been rejected under 35 U.S.C. 102(a) as being anticipated by Nachman *et al.* (1997, Advances in Comparative Endocrinology, Proceedings of the International Congress of Comparative Endocrinology, 13th, Yokohama, Japan, Nov. 16-21, 1997, Vol. 2, pp. 1353-1359). Applicants respectfully disagree.

Nachman *et al.* '97 was published in 1997, less than one year prior to Applicants' effective filing date and therefore does not constitute prior art under 35 U.S.C. 102(b). While the publication listed G. Moyna and H.J. Williams as authors, they were not coinventors of the instant invention. Accordingly, Applicant Ronald Nachman has submitted herewith a Declaration Under 37 CFR 1.132 in accordance with MPEP 715.01(c) and *In re Katz* (CCPA 1982) 215 USPQ 14, averring that G. Moyna and H.J. Williams were not coinventors and did not contribute to the conception of the invention as defined by the claims.

G. Moyna and H.J. Williams were listed as a coauthors of the reference for the reasons set forth in the Declarations.

Specifically, both were listed as coauthors of the publication because they conducted NMR analysis and molecular modeling of the allatostatin analogs which were described in the publication. This work was conducted at the request and under the direction of inventor Ronald Nachman.

Therefore, Applicants submit that the invention was not by another and the reference does not qualify as prior art under 35 U.S.C. 102 (a) or (f).

Rejection Under 35 U.S.C. 103

Claims 42-45 have been rejected under 35 U.S.C. 103(a) as being obvious over Nachman *et al.* (1997). Applicants respectfully disagree.

Applicants submit that Nachman *et al.* '97 does not qualify as prior art for the reasons set forth in response to the 35 U.S.C. 102 rejection, *supra*. Withdrawal of the rejection is requested.

Rejection Under Obviousness-Type Double Patenting

Claims 41-45 have been rejected under the doctrine of obviousness-type double patenting as unpatentable over claims 1 and 15-17 of U.S. patent 6,207,643.

In reply, Applicants have submitted herewith a Terminal Disclaimer disclaiming the terminal part of any patent to be granted on the instant application, which would extend beyond the expiration date of United States Patent number 6,207,643.

Rejection Under Obviousness-Type Double Patenting

Claims 41-45 have been rejected under the doctrine of obviousness-type double patenting as unpatentable over claims 38-40 of U.S. patent application serial no. 10/385,317 (recently issued as patent no. 7,078,384).

In reply, Applicants have submitted herewith a Terminal Disclaimer disclaiming the terminal part of any patent to be granted on the instant application, which would extend beyond the expiration date of United States Patent number 7,078,384 (serial no. 10/385,317).

Rejection Under Obviousness-Type Double Patenting

Claims 41-45 have been rejected under the doctrine of obviousness-type double patenting as unpatentable over claims 1-3 and 14-19 of U.S. patent application serial no. 10/659,509 (allowed). Applicants respectfully disagree.

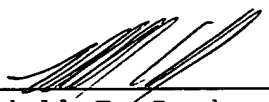
In reply, claim 41 of the instant application is limited to a single analog of the insect allatostatin neuropeptide which incorporates each of two distinct modifications therein. The first modification is to the N terminus of an allatostatin, and allows the compound to be topically applied to the target insects (*i.e.*, it penetrates the insect's cuticle and therefore does not need to be ingested for efficacy). As described in the specification at page 5, line 13 to page 9, line 11, and page 26, lines 26-34, these analogs may be prepared by conjugating selected hydrophobic R moieties (in this case, Hca or a hydrocinnamic acid group) to a bioactive portion of the allatostatin neuropeptide. The second modification is to substitute a sterically hindered amino acid (in this case Cpa or cyclopropyl alanine) for the second amino acid of the C-terminal allatostatin pentapeptide, as described at page 9, line 12 to page 12, line 10. The resultant compound AST(b)ϕ2, is shown in Figure 2(c).

In contrast, the claims of the '509 application are not limited to allatostatin analogs having sterically hindered amino acids such as claimed in the instant application. Indeed, the second amino acid from the C-terminus is glycine or GLY. It is not the cyclopropyl alanine of the instant application.

Applicants respectfully submit that there is no suggestion or motivation to replace GLY of compounds of the '509 application with the sterically hindered Cpa as claimed in the instant application.

In view of the foregoing, Applicants believe that claims 41-45 are free of the prior art of record. Allowance thereof is respectfully requested.

Respectfully submitted,



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Attachments
1. Declaration by Ronald J. Nachman under 37 CFR 1.132 (3 pages)
2. Terminal Disclaimer disclaiming U.S. patent 6,207,643 (2 pages)
3. Terminal Disclaimer disclaiming U.S. patent 7,078,384 (2 pages)